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ABSTRACT

Marking the first time that Mexican officials have spoken publicly on proposed United States immigration legislation, four leaders presented their personal views on the Simpson-Rodino legislation for immigration reform. They argued that a successful solution to perceived problems of migration between the United States and Mexico necessarily involves a bilateral search for answers; that legal restrictions will not deter migrants in search of a better life; that additional border security will increase both violent incidents and bilateral tensions; and that, because Mexico prefers to export goods, not labor, special understanding be given in trade issues. Maria del Carmen Marquez de Romero Aceves, senator from Baja California, emphasized the need for a bilateral approach. Heladio Ramirez Lopez, senator from Oaxaca, considered reciprocal advantages and disadvantages of migration. Mario Coria Salas, economics professor at the Instituto Politecnico Nacional in Mexico City, addressed the socio-economic impact of proposed United States legislation on Mexico and described the demographic and employment situation in Mexico. Pedro Ceron Gonzalez, founding member and current Secretary General of the Union de Braceros Agricolas Mexicanos, explained solutions proposed by the union. (NEC)

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# U.S. Immigration Reform: The View From Across The Border

## The Need for a Bilateral Approach

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Heladio Ramírez López

## The Socio-Economic Impact of the Simpson-Rodino Bill in Mexico

Mario Cona Salas

## A New Labor Contract: The Union Position

Pedro Cerda González

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The League of United Latin American Citizens
LULAC

## *The League of United Latin American Citizens (LULAC)*

*When the United States annexed a third of Mexico's territory following the Mexican War, nearly 77,000 Mexicans became U.S. citizens. These new citizens were systematically discriminated against, denied voting rights, excluded from decent jobs or a good education and subjected to unprovoked physical violence. The sign, "No Mexicans Allowed" was to be found everywhere.*

*Hispanic Americans responded by building a strong tradition of self-determination. Service organizations were started to champion Hispanic rights and in 1929, a number of these groups met in Corpus Christi, Texas, and merged into a single self-help organization, the League of United Latin American Citizens. LULAC councils soon spread throughout Texas, into New Mexico and California, then to the Midwest, Florida, Washington, D.C., New York, Massachusetts, and Puerto Rico. LULAC's membership now includes not only Mexican Americans, but Hispanics from Puerto Rico, Cuba, and many other Latin American countries.*

*As LULAC grew, so did our achievements. LULAC-sponsored lawsuits resulted in landmark court decisions abolishing Hispanic school segregation and guaranteeing Hispanics the right to sit on juries. LULAC's "Little School of the 400" became the model for the enormously successful Headstart program. We have trained and found jobs for thousands of Hispanics, built housing for thousands more, provided over $2 million in scholarship aid to Hispanic students, launched programs for youth, women and the elderly, and reached out in cooperative alliance with corporate America.*

*No other organization can match our half-century record of service to Hispanic Americans, but too much remains to be done to rest on our history. LULAC will continue to work with our fellow Hispanic citizens until the only place to find poverty, ignorance and discrimination is in the history books.*

## *The Latin American Project*

*The leadership of LULAC has long felt that Hispanic Americans can play a special and decisive role in our country's diplomatic efforts in the Western Hemisphere. The Latin American Project has been devised with the following goal: to foster greater knowledge of events in Latin America among the Hispanic population in the United States. The Project presents the ideas and opinions of prominent Latin Americans to the LULAC membership, Members of Congress, and other interested Americans through the distribution of these booklets and the convening of biannual seminars.*

*The Latin American Project has been made possible through a two-year grant from The Rockefeller Foundation.*

# INTRODUCTION

On February 14, 1986, four Mexican leaders met in San Antonio, Texas, and presented their views of the Simpson-Rodino immigration reform legislation currently awaiting action in the House Judiciary Committee. The participants were: Senator Maria del Carmen Marquez de Romero Aceves of Baja California, Senator Heladio Ramírez López of Oaxaca, Mario Coria Salas, Professor of Economics at the Instituto Politécnico Nacional, and Pedro Cerón González, Secretary General of the Unión de Braceros Agrícolas Mexicanos. The conference, sponsored by the League of United Latin American Citizens (LULAC), marked the first time that Mexican officials have spoken publicly on proposed U.S. immigration legislation, and could signal the beginning of a more active role by the Mexican government in issues of bilateral concern.

Certain qualifying statements need to be made. The Mexicans prefaced their remarks by stating that their opinions were personal and not official, and that they had no intention of interfering with the sovereign right of their fellow legislators in the United States to make laws.

Even so, their appearance at the conference was significant. Mexican legislators, unlike their American counterparts, do not conduct their own foreign policy initiatives, nor do they criticize the position of their government during foreign travels. Unified support of the foreign policy of the government is a characteristic of both executive and legislative officials in Mexico.

What did the Mexicans say? They argued that a successful solution to perceived problems of migration between our two countries necessarily involves a bilateral search for answers. They warned that legal restrictions will not deter migrants in search of a better life. "No matter how high you build the fence at the border," we were told, "the migrant will learn to jump higher." Additional police at the border, they said, will increase both violent incidents and bilateral tensions. The Mexicans stated that they prefer to export goods, not labor, to the United States, and asked for special understanding in trade issues.

These statements are consistent with the recommendations of a recent study of migration issues by a special Mexican Senate commission. The commission, headed by Senator Ramírez López, found that Mexican workers in the United States want their government to work with the U.S. government on their behalf. The commission's report, released last December 4, also said that "legislative action in the United States threatened to aggravate the already degraded condition of the migrant worker," and that such unilateral measures will have "adverse repercussions on the relations between our two countries."

That Mexican officials would harbor these views is probably not surprising to those who know Mexico and follow its politics. What was unexpected — and quite possibly an important development in U.S.-Mexico relations — was that they would speak out publicly in the United States.

Why was the Mexican government willing to allow its representatives to participate in the San Antonio conference? Perhaps it was merely a friendly gesture to LULAC, the United States' largest Hispanic organization, whose membership is largely Mexican American and based in the Southwest. Perhaps it was a unique, one-time effort to influence the course of legislation that may well aggravate Mexico's economic crisis. Or it could be that the meeting in San Antonio was the beginning of a franker, more open relationship between Mexico and the United States. Only time will tell.

What happens in Mexico has an important impact in the United States, and Mexicans are increasingly aware of their ability to influence events in in this country. Mexico is certain to resist any attempt by the U.S. Congress or the Administration to impose unilateral solutions on bilateral or regional problems. In San Antonio, Mexican officials reiterated that unilateral solutions will not work in today's world. Watch for them to say it more often and more forcefully in the future.

## The Need for a Bilateral Approach

Maria del Carmen Marquez de Romero Aceves

I want to express to you my sincere congratulations for organizing this this important seminar with the fundamental purpose of relaying how the the Mexican people see the immigration legislation now being discussed in the Congress of the United States.

The Senate of the Republic of Mexico on various occasions has expressed its preoccupation with the legislation proposed by the U.S. Senate and the House of Representatives. I want to make it very clear that we do not intend to interfere with the legislative process of the United States. We respect your sovereign right to make your own laws.

Today we have the opportunity to reflect on this very important theme: how the Simpson-Rodino immigration bill will affect the bilateral relations between Mexico and the United States.

Everyone knows that immigration is a consequence of the economic differences between the United States and Mexico. These same differences generated the migration of people from Europe to America. These migrants are a decisive factor in the greatness of the United States; they came from different countries and with their own work and their own decisions made the United States what it is today.

In accordance with the information given us by the Organization of American States, approximately 50 million workers migrate to other countries to find better opportunities. The European Economic Community experiences the same phenomena, with 12 1/2 million people migrating to try to build a better life.

For this reason it is not unusual that the migration of Mexican workers to the United States has occurred without interruption since the beginning of this century, a period in which — for various reasons — the need for unskilled labor and Mexican workers has increased.

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MARIA DEL CARMEN MARQUEZ DE ROMERO ACEVES was elected Senator from the state of Baja California in 1982. Long active in the women's movement, she represented Tijuana, Baja California, in the *Camara*, or House of Representatives, from 1979 to 1982. Sen. Marquez is a member of Mexico's ruling party, the Partido Revolucionario Institucional (PRI).

Studies of the immigration problem indicate that the fluctuation of the U.S. economy provokes restrictive immigration policies. When the United States has high levels of unemployment, there is a parallel increase in restrictions governing illegal immigration which, in some cases, results in unjust and sometimes defamatory deportations.

We estimate that the Mexican population will grow to over 100 million by the year 2000. The structure of the age pyramid shows us that a very large number of young people will require employment in the coming years. Around one million more Mexicans try to find jobs each year; even with a reduced rate of population growth, we will only have opportunities for half of them.

We have known for a long time that the exportation of workers must continue. The economic conditions of your country make it more attractive to work in the United States than in Mexico. The inflated value of the dollar is an irresistible attraction for Mexican labor.

The Mexican authorities profoundly lament that in the last 15 years we have suffered considerable losses in much-needed young workers. These young people no longer come only from the countryside but also from the cities and, with a high school education obtained at the expense of the Mexican government, migrate to the United States.

For this reason Mexico prefers to export goods rather than labor. The migration of workers to the United States is not good for Mexico: it is a problem we want to resolve. But to find the solutions we need the cooperation of this country to create the necessary conditions to make our own country more attractive, and to create more jobs that will generate prosperity and goodwill.

It is necessary for the United States to lift the restrictions imposed on our products and to establish an international market with fair prices for our raw materials. In this way, the United States will have a neighbor with a strong economy, domestic peace and social goodwill.

The border states suffer most from the massive deportations of our citizens, since the effect is immediate. It is unjust to open the borders when workers are needed and deport them as troublemakers when the need passes. At this point the Mexican Senate becomes concerned that the human rights of workers are respected in the United States.

The American people know that the unskilled Mexican workers are very productive and beneficial to them. Mexican workers will accept pay that is less than the minimum wage: this reflects an outright exploitation of the workers.

In effect, the Mexican worker voluntarily accepts most work conditions that the employer imposes. In many ways the worker becomes a factor in creating prosperity for the employer and also for the area in which he lives. The worker tries in any possible way to find a job — even an unsavory one — that will provide a better life for him and his family. For this purpose, he will put forth his greatest effort and will leave the best part of himself in this country. An appreciation of this situation, in light of the cold facts of the problem, has not been forthcoming. An exclusively economic judgment has prevailed, ignoring the most important part, the rights of the human being. This deeply concerns the members of the Mexican Senate.

Frequently it has been affirmed that the Mexican workers are displacing American workers. This is an inexact affirmation because the majority of the American workers do not want the kinds of jobs that the Mexicans perform, because of the salary and the working conditions. The Simpson-Rodino bill is trying to control migration and to prevent the undocumented worker from entering the United States. It maintains at its source an arguable proposition: that Mexican workers are damaging the interests of American workers by displacing them from their jobs.

The statistics contradict the purpose of this initiative. In 1981, unemployment in the U.S. averaged 10.7%, a figure not reached since 1974. In October of 1985 it was 6.9%, a reduction of 4%. More than two million people were added to the workforce.

The lower salaries and the longer hours that the Mexican worker accepts are two reasons why he can quickly find a job: that they are working indicates that they are not a burden for the American people.

The statistics themselves indicate that the productivity of the undocumented worker is greater and that many industries in the U.S. prosper due to low-cost Mexican labor. In this way, products are made cheaper with high quality and lower costs for the international market. This is a benefit for the consumer and it also generates a savings for the U.S. economy.

We must recognize that Mexico also receives benefits. Our president, Miguel de la Madrid, expressed in Mexicali, Baja California, that both countries are receiving the positive effects from the work of our nationals. In one way they are contributing to the economy of the United States, yet they also bring their money back to our country for our benefit. At the same time, President de la Madrid underlined his concern for the violations of the labor and human rights of the workers. I should note that international agreements exist and that in spite of them, mistreatment of workers and violations of those agreements continue.

We respect the right of the United States to make and update its immigration and naturalization laws, and to create its own necessary norms for its citizens. But we do not ignore the fact that the United States itself believes that the McCarran-Walter Law of June 27, 1952 — the Immigration and Naturalization Law or Public Law 414 — does not fit the current realities of the problems in this country.

But we must reiterate that this situation affects both countries and must be treated in a bilateral manner. We suggest that the recommendations and observations of the Mexican Legislature be taken into account at the next U.S-Mexico Interparliamentary Meeting to be held this spring.

Senator Antonio Riva Palacio López, President of the Mexican Senate, has said that "the idea of sitting at the table for dialogue and reflection — in the north, the south, or anywhere in the world — to analyze the implications of the migration phenomenon means there is a desire and an intention to find the solution, and to elevate democracy and defend the human rights of any immigrant in the world. Between neighbors such as ourselves, the friendly dialogue is an obligation and an historical imperative."

It is now an opportune time to analyze the consequences that could be produced in U.S.-Mexico relations with the possible passage of the Simpson-Rodino legislation. Frequently we ask: Will Simpson-Rodino produce more benefits than drawbacks for the United States? Is the law founded in justice and democratic principles? Is the United States ready to continue its progress in spite of laws that injure human rights?

We have analyzed the bill and find that not only undocumented workers will be affected. It will also produce negative effects for the United States. Why do we say this? The proposed law specifies that investigations into employee discrimination will occur if the employee is an American citizen or a permanent resident who formally submitted his application for citizenship. We estimate that this rule violates the first and fourteenth amendments of the Constitution of the United States.

Both initiatives exclude legalized immigrants from Federal assistance programs during their first five to six years in the U.S., with the exception of Cuban and Haitian immigrants.

U.S. Federal assistance programs are maintained by the taxes of all who contribute to the economy of this country. Is it just to exclude workers who contribute their taxes from these programs because they have been legal residents in this country for less than six years?

We have also observed the petition to increase the budget of the Immigration and Naturalization Service in order to reinforce the Border Patrol. This

undoubtedly increases tensions in bilateral relations and makes the search for a friendly solution more difficult.

Last month on the U.S.-Baja California border, some Mexican citizens were killed by the Border Patrol. Why treat a person like a criminal when he is only trying to find a way to survive?

These initiatives will make it almost impossible for the undocumented worker to fulfill all the necessary requirements to become a permanent resident because, apart from the necessary documents, the worker must prove his uninterrupted residency in the U.S. for a period of more than ten years.

In my personal opinion, approval of the immigration initiative will harm many Mexicans who work in the United States and also the good relations between our two countries. We are convinced that the influx of undocumented migrants can be reduced, not through a unilateral formula, but through a bilateral approach, through mutual understanding. Mexicans are convinced that persecution and ill-treatment generates injustice and that rigid laws make friendly relations more difficult.

We seek for our citizens, in Mexico or wherever they are, that they live without injury to their rights or their work. It will not be easy to obtain a bilateral solution. We are prepared to engage in negotiations that, with reason and understanding, will have to take place in order to reach common agreements to this problem.

It is not our intention to isolate ourselves from the United States. As good neighbors we need each other, and we hope and intend to become better friends. The more than 3,000 kilometers of border we share show us that we must not have barriers to our common interests. Our progress along the border is intimately related to progress in our relations with the United States. For those who live near it, the border is an opportunity, not a barrier.

Our human, labor, and business relations compel us to live in harmony. This is the lesson we have learned from past experiences. For Mexico, the border with this country represents a reality as complex as it is interesting. Here in the United States live more than 15 million people of Latin American origin, more than 10 million of them Mexican Americans. More than 80% of this Mexican American population lives in states bordering on Mexico.

Common elements from our past bind us together. The border makes a physical division, but we are united in the search for justice and law. It divides us because it marks the ending and the beginning of our national identities, which we both want to preserve. It unifies us through the common goals of justice which, as neighbors, compel us to live in harmony and permit us to

practice virtues of orderly co-existence and interdependence guided by the right to satisfy our common necessities.

We know that our presidents, Ronald Reagan and Miguel de la Madrid, are looking for the best solutions to the problems of our countries. This is the thinking of citizens of both our countries. The undocumented Mexican workers who live in restlessness, uncertainty, inequality and injustice are sustained by the hope that, in these legislative initiatives, the spirit that has always guided our two peoples will yet prevail.

## Migration: Advantages and Disadvantages

Heladio Ramírez López

We have come to San Antonio, answering the friendly invitation of LULAC, to share with you some reflections on a mutual problem that cannot and should not be treated with unilateral measures or criteria, because we run the risk of only seeing one side of the coin. I express my thanks for this kind invitation that was extended to me as a private citizen, and it is in this role that I participate, persuaded that this organization — so representative of Hispanic-Americans — knows and is conscious, today more than ever, that the neighboring countries of Mexico and the United States bear the responsibility of constructing a true vision of our shared problems.

In its true nature, the migratory flow that crosses the border contains truths that cannot be hidden. For both countries there are advantages.

We do not hide the advantage that the migration of Mexican workers to the United States brings us, in contributing to the alleviation of problems of unemployment and foreign exchange, which are particularly acute in present times; but we must not overlook the advantage that Mexican labor brings to American employers and the positive effects that they promote in levels of consumption, in production and other services, not only along the border, but in cities throughout the United States.

But what worries us is the exploitation of our countrymen. Discrimination is faced not only by undocumented laborers but by Mexicans who bring increasingly sophisticated talents to the economy of this country.

Thus, the problem is not solved by thinking, in ideological terms, that the undocumented Mexicans are a burden to the U.S. economy, that they cause problems of social destabilization and put the security of the border in danger as some have affirmed, because this is not true. The migrants from Mexico are workers, not troublemakers. The problem is not to think that the United States alleviates our national unemployment by permitting the entrance of Mexican workers, but to become conscious of the fact that the benefits of migration are reciprocal. As a consequence, full comprehension of the problem depends on an examination of migration in its true bilateral dimension. Seeing the issue in this light will allow for serious and profound reflection on the problem, reflections necessary to find viable and just paths to a solution.

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HELADIO RAMIREZ LOPEZ, also a member of PRI, is Senator from the state of Oaxaca. He is President of the Senate's Committee on Migrant Workers, and was a member of the recently-concluded Commission of Public Hearings on Migrant Workers. The Commission's 39-page report, written by Sen. Ramirez Lopez after a year-long study, analyzes the role of migration in Mexico's economic and social development.

I have asked myself, knowing the economic inequality between our two countries, whether the raising of political, legislative, police or military barriers will be sufficient to solve the problem of migration at its roots. I believe that as long as Mexican labor is still required in this country, Mexico will have sufficient numbers of unemployed laborers who will continue to migrate. Will the legislation that is currently being discussed in the U.S. Congress — answering legitimate interests of the United States but ignoring international repercussions or the severe administrative measures at the border — be a solution to the problems of the undocumented?

Mexico is a country of principles, with a vigilant and active democracy that maintains its liberties and national sovereignty in full respect for the self-determination of each nation. No one in my country questions the sovereign capacity of the U.S. Congress, or of any legislature, to pass laws that are judged pertinent to each nation. Nevertheless, it should be remembered that because the problem of migration is an eminently shared subject, we have the obligation to consider all the different aspects involved.

I particularly believe that it would be a mistake, an error of political tactics in today's world, not to point out that any unilateral decision affecting migration, far from solving the problem, could make its effects more complex.

Because of this, I responded to LULAC when they extended an invitation to me, to give my viewpoints on the recent legal initiatives concerning migration. As a Mexican citizen worried about this problem, I think the initiatives will introduce elements of discriminatory and criminal repression to what is basically a problem of labor distribution.

All policies that demand documents from migrant workers and apply sanctions to owners will be totally ineffective in reaching the desired objectives, because, without any doubt, they will only cause the industry of creating false documents to flourish: the owners will not be able to verify the authenticity of the documents and would thus be thrust into the same vicious cycle of illegality that the legislation now wants to combat.

The results would be more negative than positive, because the mechanisms of migration control envisioned would especially discriminate against Mexican-Americans, since this region once belonged to Mexico. It would bring not only an attack on human rights but on the political rights that the U.S. Constitution protects in all its dignity, firmness, and vision.

Thus, it is a delicate matter to pass laws regulating migration, if the internal and international repercussions of the laws are not taken into account. The domestic point-of-view alone obscures the truth of a phenomenon that is worldwide, that confronts every country. While inequalities between rich and poor countries exist and criteria of justice are not applied in the attempt

to close the gap, migration will persist and no attempt to control it will be capable of detaining it.

I should affirm something that is on the minds of Mexicans. With the migration of the younger, more creative and more qualified part of our work force, Mexico loses instead of gains. The emigration of our countrymen and women to the United States is contrary to our national interest. To retain them in Mexico is the greatest challenge we face. We are passing through a difficult moment in our economy that does not permit us to create sufficient well-paying jobs, and in the short term does not permit us to provide for our countrymen who have sound prospects for personal prosperity. This does not cancel, however, our moral and political duty to search for the protection of justice and respect for human rights wherever our workers are found.

The president of Mexico, Miguel de la Madrid, with a serene and intelligent leadership tied to the interests of our people, is developing realistic strategies that are well-suited to take the nation from the severe economic crisis though which it passes, a crisis aggravated by the current international situation that pushes down the prices of products we export.

But I want to assure you, my American friends, that Mexico is not defeated, nor will we succumb. Throughout our history we have faced countless adversaries and we have overcome them with spirit, effort, and nationalistic pride. We live in liberty, democracy, and social peace and we will continue defending the historic values that invigorate our national sovereignty.

I want to deny the false and alarming information that takes advantage of the good faith of the American people to lie about and denigrate the image of Mexico, magnifying our problems. We are a country of principles, emanating from the 1910 social revolution that gave us the institutions and foundations in the Political Constitution that governs us. Our political system has the capacity to respond to the problems of our time and, with the effort and sacrifice of Mexicans, we will overcome the problems that have recently developed.

We are tied to the American people by history and geography. We want to continue being neighbors that will always live together in friendship, understanding, and mutual respect.

Because of this, we attend this LULAC seminar with pleasure, and we speak frankly because we feel it is proper to do so among friends and good neighbors.

I hope that this profoundly democratic spirit of the largest Hispanic organization in the United States and the best intentions of the best men and women that this nation has now and has had in the past will inspire those

that analyze and contemplate and make laws, so that the best paths to the solution of the delicate problems of the undocumented workers are found.

I have spoken as a citizen of Mexico, but I am sure that many of my ideas are shared by thousands of my fellow countrymen and women. I salute this effort by LULAC and thank the organization for its work in defense of human rights.

# The Socio-Economic Impact of the Simpson-Rodino Bill in Mexico

Mario Coria Salas

The excess of manual labor has been one of the most important elements of the literature on economic development since World War II. Vast amounts of literature have used sophisticated models to explain how the excess of manual labor in agriculture is transferred to the modern or industrial sector, analyzing the consequences of these changes. The force of this literature was such that, for a considerable period of time, the importance of an analysis of the agricultural sector itself was lost.

In the early 60's, the first works appeared that tried to measure the workforce that can be taken from agriculture without affecting production. These studies also investigated the hypothesis concerning the equilibrium of the labor market between different sectors.

In the mid-60's, it became clearer that industrialization based strongly on import-substitution strategies was producing undesirable results, and that this industrialization was absorbing labor at rates different from those estimated. Rural migration to urban centers was being generated at growing rates in a majority of countries, creating significant numbers of unemployed in the big cities or masses of underemployed that generated vast shantytowns on the peripheries of the cities.

At the same time, a significant reduction in the production of food stuffs occurred in the USSR, India, China, and in much of Latin America. This situation caused the agricultural sector to be seen as pivotal in economic development; consequently, the economic literature returned to focusing on agricultural production as a development policy.

A few years later, the euphoria of the so-called "Green Revolution" began. For many, it appeared that the problem of food supply had been solved. This optimism was rapidly dissipated and the advantages of the "Green Revolution" were soon nullified by unforeseen disadvantages. It became clear that a quick solution would not be found and that a large and difficult road still needed to be crossed, because suddenly a new and more serious food crisis appeared. A renewed preoccupation with the world agricultural situation appeared, together, and perhaps for the first time, with the problem of a great number of rural disadvantages that characterized many low-income countries.

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MARIO CORIA SALAS is Professor of Graduate Studies in Economics at the Instituto Politecnico Nacional in Mexico City. He is a co-author of the 1978 study entitled "Socio-Economic Incentives of the Migration from Mexico to the United States."

Currently many countries and international development agencies are making serious efforts to resolve the problem of adjusting to the shortage of farm labor. The nature of the development process based in the modernization of agriculture is that great numbers of workers are transferred out of the agricultural sector. To this we add that in countries like Mexico, the agricultural sector has two types, commercial and subsistence. The mechanized commercial sector increases rural unemployment, while the subsistence sector cannot even retain its own workers, due to the very low income they earn.

In such circumstances, we ought to take into consideration that the inequalities of income between regions and between economic sectors, and even within sectors, are important factors that can explain migration not only to the interior of Mexico but also to the United States.

The immediate implication of this is that where socio-economic differences exist between regions, there will be a significant movement of workers. In the case of the United States and Mexico, this movement is and will be permanent and very probably increasing in magnitude, since there are additional incentives to migration, such as the devaluation of the Mexican peso and the fall of real salaries. All these factors are strong stimulants to the migration of Mexican workers to the U.S., whether they are documented or undocumented, permanent or temporary.

Such a situation has provoked, as in the case of the so-called "Simpson-Rodino" immigration reform, initiatives to regulate the migration of Mexican workers to the United States.

For the United States, the problem of migrant workers is one of internal equilibrium, both in salaries and in job opportunities. It is clear that if the numbers of U.S. workers were sufficient to cover the amount of temporary jobs in agriculture and other sectors, the migration problem would have a different focus and context. Three fundamental elements are behind the migration of Mexican workers to the United States. The first is the existence of temporary job opportunities in U.S. agriculture greater than the availability of the domestic workforce, a problem resolved by the importation of documented and undocumented labor. The second is the difference in real salaries between Mexican and U.S. agriculture, a factor that constitutes a strong incentive to the Mexican agricultural worker, whether or not he has permanent employment in Mexico. Finally, socio-economic conditions have kept a great part of the agricultural sector in Mexico in a very difficult situation, a factor that promotes the migration of Mexican farm laborers to the U.S. or to the great urban centers in Mexico.

A brief description of the demographic and employment situation in Mexico will help us locate the probable impact of "Simpson-Rodino" on the Mexican economy. Mexico has the arguable honor of possessing one of the highest population growth rates in the world. In fact, Mexico's population growth rate is topped only by Syria, the Dominican Republic, and Honduras.

This spectacular demographic growth, when joined to the problems of a developing country, causes serious socio-economic problems. Such growth puts a great demand on our educational services, and puts tremendous pressure on society to create sufficient jobs for these young people when they reach working age.

A look at this century reveals clearly different periods of demographic growth in Mexico. From 1896 to 1940, the population grew 1.3% / year, with the exception of the 1910-20 period of social revolution, when the population diminished .5% / year due to the violence of the armed struggle, to temporary or permanent migration to the United States, and to the high number of deaths attributed to the "Spanish flu."

Beginning in 1940, Mexico took advantage of world conditions in World War II and began a period of rapid economic growth, in which industry, agricultural production, investments and services all grew.

During this economic expansion, government invested increased amounts in the sanitary infrastructure and in social services, improving public health services and reducing the death rate. Life expectancy grew from 41.5 years in 1940 to today's 63 years.

The birth rate, however, remained stable during this period. The consequence of a stable birth rate and a decreased death rate was a rapid growth in population, reaching 2.7%, 3.2% and 3.4% / year in the decades of the 50's, 60's, and 70's, respectively.

Such growth increases the number of children and teenagers in relation to the total of total of adults. The composition of the population by sex has remained constant, with 51 women and 49 men per 100 inhabitants.

In Mexico, no state shows a decrease in population in absolute terms; however, the states of Durango, Hidalgo, Oaxaca, Puebla, San Luis Potosi, Tlaxcala and Zacatecas have had population growth rates inferior to that of the nation as a whole. A regional disequilibrium has occurred, with a concentration of the population on the central plain, specifically in the Mexico City area, which houses 26% of the national population.

The official statistics of Mexico, as in the case of the majority of countries in the world, divides urban and rural population by the size of the locality

inhabited. Those who live in a municipality of more than 2,500 inhabitants are counted in the urban population, while the rural population consists of those who live in towns of less than 2,500 residents.

Despite the high degree of urban development, Mexico's population is widely dispersed in the rural areas. The census of 1980 counted a total of 95,960 localities (cities, towns, and villages); 90,218 have less than 1,000 residents and 5,042 have a population of between 1,000 and 2,500 people. Only 178 municipalities have 15,000 or more residents.

Together with this brief panorama of demographic statistics, we must keep in mind that Mexicans average only six years of school instruction, and that employment opportunities are limited, even for those with above-average educational training. This helps explain an important part of the migration from Mexico to the U.S. Some reasons for migration are not rational, mixing the mystical with the adventurous, promising a new experience. The majority of migrants, however, hope to earn a significant income and, with money saved, will gain economic and social esteem once they return to their community of origin.

In the specialized literature that tries to explain the phenomenon of migration, whether internal or between countries, many different hypotheses have been developed. From the range of factors considered, the most important reasons for deciding to migrate are the differences in anticipated income between what is sought and what one earns currently, and the hope that job opportunities will be better in the new locale.

Therefore, it can be said that migration, both within Mexico or to the United States, is due to the perception potential migrants have that personal improvement can be gained by moving, either because they do not have a firm job or because they hope to obtain more secure, longer-lasting, or better-paying employment.

For these reasons, in the last twenty years some states have experienced strong migration to their territory, with rates of population growth far above that of the entire country. The states of Mexico, Baja California, Sinaloa, Tabasco, Morelos, Quintana Roo, and especially the Federal District (Mexico City) have great appeal to migrants.

On the other hand, the exaggerated and not always accurate illusion of finding jobs and high salaries in the United States has caused a strong current of migration by Mexican workers to the United States, some of whom obtain documents and permission to work, while others — the majority — get no legal permission, receiving the name "undocumented worker."

The magnitude of the migration of undocumented workers to the U.S. has been an object of strong debate, with no consensus yet reached.

Investigators who have studied the phenomenon found that the states of Zacatecas, Chihuahua, Durango, Michoacan, Jalisco and Guanajuato contribute the great majority of the migrants. Other authors have demonstrated that the migration of Mexican workers to the U.S. is seasonal: migrants work in the United States for a period of time, save some money, and then return to their place of origin without making use of the public services (education, health, etc.) to which they are entitled, which they helped to support through the taxes they paid. On the other hand, an investigation made by Conroy, Coria, and Vila in 1979 showed that the factors that could attract Mexican migrants to stay permanently in the U.S. decreased in importance during the 1970's, when the factors that could motivate temporary migration were increased by the devaluation of the peso that began in 1976.

Finally, Dr. Jorge Bustamante found in 1975 study that Mexican labor has been a factor that aided the growth of the American economy, especially in the industrial sector.

The last years of the 1940's saw the most significant and permanent migration of Mexican workers — legal or illegal — to the United States. Migration will continue in strong numbers as long as economic conditions in Mexico do not change, that is, as long as clear and sufficient opportunities do not exist in the rural areas of Mexico. The economic opportunities in the South of the United States and in the big cities will continue for many years to be superior to those that can be offered in Mexico.

If the usefulness of the Mexican worker to the U.S. economy is not recognized, legislation like "Simpson-Rodino" that aims to limit migration will continue to worry us. Perhaps a better alternative for Mexican workers would be a regulated program of legal contracts for Mexican workers, in accord with the estimated labor requests of each region of the United States, making sure that the Mexican worker does not displace the American worker, but instead fills the need for temporary labor in the agricultural regions of the United States.

# A New Labor Contract: The Union Position

Pedro Cerón González

Unemployment causes a major problem which effects all nations throughout the world, namely, a clandestine and dispersed immigration which results in workers going abroad without the protection of laws, subject to unbridled exploitation and unjust treatment.

As regards Mexico and the U.S., a bilateral agreement was instituted from 1951-1964, in keeping with the 1949 covenant of the International Labor Office which was approved at the Geneva Convention and signed by sixty countries, among them Mexico and the U.S., and which corresponds with the International Declaration of the Rights of Man. Such international organizations are maintained by all countries of the world according to their material capabilities and human resources, with the objective of maintaining the universal peace. This universal peace is not only the peace to end all armed conflicts, but also the social peace which enhances the conditions of the working classes; in other words, the social justice which was invoked at the Versailles Treaty and which gave root to the International Labor Office.

The World Population Conference of 1974 proclaimed that countries affected by large movements of migrant workers should institute, by means of bilateral or multilateral agreements, regulations which protect and assist the migrant workers and safeguard the interests of the affected countries. There currently exists such an accord between Mexico and Canada. The International Labor Office should promote concerted action within the sphere of protection of migrant workers, and the Commission for Human Rights of the United Nations should contribute accordingly to assure that the fundamental rights of the migrants are safeguarded. It is important to note that this decision of the Conference was accepted without reservation by all countries meeting in Bucharest on August 19th - 30th of 1974, including Mexico and the U.S.

In the last Agreement on Migrant Workers and Labor Contract, model rules were provided regarding housing, nutrition, return guarantees, hours and maximum/minimum stay, equal pay, medical assistance, as well as the application of laws which provide against racial discrimination, etc. An attempt was made to eliminate the pernicious international practices of employers who unjustly exploit the migrants.

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## Facts

There was a period of tensions and misunderstandings during 1954 when the U.S. unilaterally suspended the Agreement on Migrant Workers. That inconsistent and arbitrary measure produced unfavorable effects in relations with our northern neighbors, but fortunately the government in Washington reconsidered its attitude and re-enacted the bilateral agreement. This act of good will and spirit of understanding between the two governments proved beneficial and cleared the way for the development of friendly relations and of mutual help between Mexico and the United States, in keeping with the imperatives of the Good Neighbor Policy. Circumstances that followed aggravated the problem and gave it a pathetic character which no Mexican should ignore; in late 1964 Washington again terminated the migrant worker agreement which regulated such migration and which preserved the rights of our compatriots as workers, not withstanding the fact that, to a certain extent, various southwest states have been strengthened and fortified by the sweat and manual labor of Mexicans. At the same time our compatriots have had to withstand the inclement weather, fatigue, loneliness, danger to life and abandonment. They nevertheless receive unequal salaries compared to other nationals, due to the lack of regulation of migrant workers in the field, which has given rise to the unjust exploitation during the last twenty years.

Since the termination of the Migrant Workers Agreement in 1964, the passage of undocumented migrant workers into the U.S. has increased steadily year by year. Because of their irregular and undocumented status, they continue to be exploited. The same situation occurred in 1948, 1950 and 1949 upon termination of the agreement which regulated the workers who entered during the 1942 to 1947 era. In this last period, upon express petition by the North American industrialists and agriculturalists, and with the aid of the government as a sign of solidarity during time of war against neofacism and military castes, thousands of anonymous workers from our country contributed their sweat to ensure that the many activities on the domestic front would not be paralyzed.

We speak particularly of those who continued to emigrate after 1965 when the agreement was no longer in effect; those who realize that the proposed amnesty of which the U.S. Congress speaks will be a long time coming, especially since such proposals remain unresolved before the U.S. Congress today. The problem of the displaced workers continues to go unaddressed, and disadvantaged workers take on well-known risks with no legal protections whatsoever.

In view or the magnitude of the problem before us, our union would like to put forth the following:

## Considerations

An Agreement on Migrant Workers and Labor Contract between the governments of Mexico and the U.S., within the sphere of international commitments, would validate and put into effect the recommendations and achievements of the international organizations of which both countries are members. The illegal migration of temporary workers could be avoided and the growers would be provided with the necessary labor in conformity with the figures established by the respective authorities. The migrants, in turn, would not be victims of unscrupulous employers, and speculations regarding such problems can be avoided. The border between both countries would become more dignified as regards the passage of our compatriots back and forth, and the provisions of the H-2 formula would not be necessary. The result would demonstrate to the world friendliness between both neighbors and a respect for Human Rights.

Even though previous covenants have been repeatedly violated in part, those who oppose a new covenant should be aware that such violations should not be the norm.

Any new covenant should be superior to previous agreements in its total observance of the terms therein. There is absolutely no reason to hold that merely because previous covenants have been breached, any new covenant would likewise not function, just as our Supreme Law is not invalidated by the constant transgressions against it. It is shameful to speak of numbers when the problem is clearly not one which can be resolved by mathematics; demagogy is furthered by speculating on such a delicate problem. Instead, congruous solutions should be sought which will have permanent effects, rather than falling into the trap of the exploiters by making simple-minded statements.

For all of these reasons, we propose the following solutions:

## Solutions

First Solution: The signing of a Migrant Worker Agreement and Labor Contract between both governments to regulate the flow and to preserve similar socio-economic rights as those enjoyed by U.S. citizens, and in accordance with Article 28 of the Federal Labor Laws of Mexico. Such an agreement, in order to be better understood by those affected, should contain the following clauses:

1. Definitions;
2. Negotiations between governments;
3. Request for workers;
4. Centers for Migration and Reception Centers;

5. Procedures for the Migration Centers;
6. Transportation between Centers for Migration and Reception Centers;
7. Qualifications of employers;
8. Discrimination prohibitions;
9. Job preferences for U.S. workers;
10. Contracting requirements;
11. Employment governed by the Agreement and Labor Contract;
12. Limits on number of workers;
13. Hiring at the Reception Centers;
14. Duration of contracts;
15. Salaries;
16. Job guarantees;
17. Transportation between the Reception Centers and place of employment;
18. Reporting of salaries and frequency of payments to the workers;
19. Employer responsibilites regarding sickness and health benefits;
20. Notice of illness, death, or termination of employment;
21. Union representatives for the Mexican workers;
22. Strikes and work stoppages;
23. Official inspections;
24. Termination of Labor Contract prior to date of expiration;
25. Termination of Labor Contract for causes beyond the control of the employer;
26. Extension of contracts;
27. Relocation of workers;
28. Verification of wages owed to workers;
29. Claim limitations;
30. Procedures for compliance with the Migrant Worker Agreement;
31. Departures through Reception Centers;
32. U.S. government guarantees and secondary obligations of union members;
33. Authorization of consular officials in representation of workers;
34. Military service exemptions;
35. Protection of workers;
36. Exclusion of intermediaries;
37. Instructions and mutual interpretations;
38. Governmental actions against illegal internment;
39. Limitation of actions for disputes;
40. Transitory disposition; and
41. Title and duration of Agreement.

The Labor Contract to be incorporated into the Agreement should also contain the following provisions:

1. Housing;
2. Insurance;
3. Wages;
4. Tools;
5. Discounts;
6. Transportation;
7. Water and heat;
8. Length of contract;
9. Job guarantees;
10. Right to choice of market;
11. Nourishment;
12. Right to leaves of absence;
13. Job discrimination;
14. Worker obligations;
15. Extension of contracts;
16. Worker representatives;
17. Inspections by government representatives;
18. Registry of employee records;
19. Documentation cost;
20. Mutual determination;
21. Beneficiary of the worker;
22. Protections against immoral and illegal influences;
23. Grievance procedure; and
24. Mexican Social Security benefits.

Second Solution: Both governments should apply legal sanctions against employers of illegals, against lawyers and others who prey on unwary migrants by promising permanent residency in the U.S., and against those who contribute to or perpetrate the influx of undocumented workers.

The proposed solutions are founded upon class principles since we cannot abandon our compatriots to an exploitation disguised as "Job Opportunities." Such agreement is not antithetical to the struggles of Mexican Americans to achieve objectives by means of the assistance afforded by law.

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